

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FT. WORTH DIVISION**

**DOUGLAS GREER,
(Plaintiff)**

v.

**JOHN DOE, AND THOMAS
TRANSPORTATION
(Defendants)**

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Cause No. _____

DEFENDANT, THOMAS TRANSPORTATION'S, NOTICE OF REMOVAL

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

COMES NOW, Thomas Transportation, Defendant, in the above-captioned cause, who files this its Notice of Removal on the basis of diversity jurisdiction pursuant to 28 U.S.C. § 1332 *et. seq.*, 28 U.S.C. § 1441 *et. seq.*, and 28 U.S.C. § 1446 *et. seq.*, and would respectfully show the Court as follows:

I. STATE COURT ACTION

1. This case was initially filed in the 17th Judicial District Court of Tarrant County, Texas and styled Cause No. 017-291155-17, *Douglas Greer v. John Doe and Thomas Transportation*, In the 17th Judicial District Court of Tarrant County, Texas.

II. PARTIES

2. Plaintiff, Douglas Greer is a Texas resident who resides in Tarrant County, Texas.
3. Defendant, John Doe, also known as "Charlie Hand", is an individual who at the time of this action resided in Albany, Georgia.
4. Defendant, Thomas Transportation is a foreign for-profit corporation, duly formed and existing under the laws of the State of Georgia, having its principal place of business at 1825 Oak Haven, Drive, Albany, GA.

III. JURISDICTION

5. This action is a civil action of which this Court has original jurisdiction under 28 U.S.C. § 1332. Further, this action is one that may be removed to this Court pursuant to the provisions of 28 U.S.C. §§ 1441 and 1446.

6. The action is a civil action between citizens of two different states within the meaning of 28 U.S.C. § 1332; and the matter in controversy exceeds the sum of \$75,000, exclusive of interest and costs.

7. Thomas Transportation is informed and believes that Plaintiff, Douglas Greer, is an individual who lives and resides in Texas. Defendant, John Doe, Charlie Hand, is an individual who lives and reside in Albany, Georgia. Defendant, Thomas Transportation, at the time of the filing of this action, is an entity incorporated under the laws of the State of Georgia, with its principal places of business at 1825 Oak Haven, Drive, Albany, GA.

8. On March 27, 2017, Plaintiffs filed their Original Petition.

IV. TIMELINESS

9. Thomas Transportation was served on April 28, 2017. Thirty days has not elapsed since Thomas Transportation was served. As such, pursuant to 28 U.S.C. § 1446(b), this notice of removal is timely and proper.

V. ATTACHMENTS

10. Pursuant to 28 U.S.C. § 1446(a) and local rule LR CV-81.1, the following exhibits are attached hereto and are incorporated herein by reference:

Exhibit A: Plaintiff's Original Petition;

Exhibit B: Return of Citation on Thomas Transportation

Exhibit C: Index of Matters Being Filed

Exhibit D: List of all Counsel of Record

The court has issued no orders in the State Court proceeding.

VI. CONDITIONS PRECEDENT

11. Thomas Transportation has tendered the filing fee required by the Clerk of the United States District Court for the Northern District of Texas, Ft. Worth Division, along with a Notice of Removal. A copy of this Notice of Removal is also being filed in the 17th Judicial District Court of Tarrant County, Texas, and all counsel of record are being provided with complete copies.

PRAYER

12. Removal of this lawsuit is proper because: (1) complete diversity exists between the Defendants and Plaintiff; (2) Plaintiff's alleged claims exceed \$75,000; and (3) Defendant timely removed the case. For the above reasons, Defendant can remove this lawsuit.

WHEREFORE, PREMISES CONSIDERED, Thomas Transportation respectfully requests that the above action, *Douglas Greer v. John Doe and Thomas Transportation*, in the 17th Judicial District Court of Tarrant County, Texas be removed to this Court.

Respectfully submitted,

LITCHFIELD CAVO LLP

/s/ Tory Taylor

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ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

In accordance with the Federal Rules of Civil Procedure, a true and correct copy of the above and foregoing Notice of Removal was served on all counsel of record via the Court's ECF on May 22, 2017, and properly addressed as follows:

Mr. Ryan E. Rogers
GODSEY MARTIN, P.C.
1909 Woodall Rodgers Freeway, Suite 200
Dallas, Texas 75201

BY: /s/ Tory F. Taylor
TORY F. TAYLOR